

6. On November 7, 2017, this Court granted Plaintiff's Second Request, resetting Defendant's deadline for a response for November 29, 2017. [DE 9].

7. On November 28, 2017, Plaintiff moved for a third extension of time for Defendant to respond to the Complaint ("Final Request"). [DE 10].

8. On November 29, 2017, this Court granted Plaintiff's Final Request, resetting Defendant's deadline for a response for December 6, 2017. [DE 11].

9. Defendant and Plaintiff, through counsel, engaged in serious settlement negotiations for several months. On December 6, 2017, Plaintiff noticed to this Court that the parties had reached settlement, the terms of which were being finalized, and upon satisfaction of the terms, Plaintiff would dismiss Defendant from this action *with* prejudice.

10. On December 19, 2017, the parties entered into a written settlement agreement (the "Settlement Agreement"), which included, *inter alia*, a release of claims arising under the Older Workers Benefit Protection Act (the "OWBPA"). § 626(f) of the OWBPA permits Plaintiff a 7-day period in which to revoke the Settlement Agreement.

11. On December 26, 2017, through both hand delivery and email copy, Plaintiff exercised her right to revoke the Settlement Agreement by delivering notice as set forth under the Settlement Agreement, specifically, to Defendant's counsel.

12. Counsel is requesting to withdraw from this action pursuant to Rule 1.16(b) of the Virginia State Bar Rules of Professional Conduct in that, *inter alia*, there is a fundamental disagreement among undersigned counsel and Plaintiff regarding case proceedings that prevent undersigned counsel from continuing as legal representation in the matter.

13. Withdrawing as counsel can be accomplished without impeding the administration of justice, efficiency, or functioning of this Court or the case.

14. Plaintiff is not business entity or active duty military. Plaintiff is an individual who resides in the Commonwealth of Virginia, specifically at 7425 Arlington Blvd., Falls Church, VA 22042, where upon information and belief, service may be effectuated, and having a phone number of 703-528-2445.

15. At the time of filing this Motion, an answer has not been filed by Defendant, discovery has not yet been propounded by either party, and trial has not yet been set.

16. Undersigned counsel has notified Defendant's counsel of this Motion.

17. Counsel has provided reasonable notice to Plaintiff of his intent to request leave from this Court to withdraw as counsel and has advised Plaintiff that she should retain new counsel to represent her in this matter.

For these reasons, undersigned counsel respectfully requests that the Court grant this Motion. A proposed Order accompanies this Motion.

Date: December 26, 2017

Respectfully submitted,

By: /s/ Robert Powers
Robert Powers, Esq.
MCCLANAHAN POWERS, PLLC
8133 Leesburg Pike, Suite 130
Vienna, VA 22182
Telephone: (703) 520-1326
Facsimile: (703) 828-0205
Email: rpowers@mcplegal.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2017, the foregoing *document* was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. The foregoing document was also served upon Plaintiff at the following address:

Maria Diaz-Castro
7425 Arlington Blvd.
Falls Church, VA 22042

By: /s/ Robert Powers
Robert Powers